THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date: 05-03-2007

WRIT PETITION No. 3310 OF 2007

BETWEEN:

Narra Babu Rao and others

…Petitioners

And

The Station House Officer, Chandanagar Police Station, Chandanagar, BHEL, Hyderabad and another.

…Respondents

ORDER:

The petitioners seek to issue a writ of Mandamus declaring the action of the Station House Officer, Chandanagar Police Station, Chandanagar in interfering with the civil disputes between the petitioners and respondent No.2 without there being any complaint whatsoever nature against the petitioners as illegal and arbitrary.

It is stated that the petitioners purchased various house plots in various extents under registered sale deeds during the years 1988 to 2002 and they have also constructed compound wall and a room after obtaining permission from Sherilingampally Municipality, but the second respondent claiming the property situated in Sy.No.303 of Chandanagar village, but whereas the house plots purchased by the petitioners are situated in Sy.No.126 of Hafeezpet village. It is stated that the second petitioner filed O.S.No.4179 of 2006 on the file of the Additional Junior Civil Judge, Ranga Reddy and obtained ad-interim injunction against the second respondent. Similarly, petitioners 3 and 4 filed O.S.No.4180 of 2006 and 5th petitioner filed O.S.No.188 of 2007, in which counters have

been filed by the second respondent. It is stated that the second respondent has lodged a complaint with all false allegations and the first respondent is illegally interfering with the rights of the petitioners without registering any case against them.

The learned Government Pleader for Home, appearing for the first respondent submits that one Smt.S.R.Varanasi Ramana W/o S.R.Murthy lodged a complaint before the first respondent on 6-12-2006 stating that some miscreants are illegally constructing foundations and compound walls in her land in Sy.No.303. The second respondent is her son-in-law who was asked to take care of the said property. The said complaint filed by her against one Narasimha Rao and others was registered as Crime No.403 of 2006 for the offence punishable under Sections 447 and 427 of the Indian Penal Code. During the course of investigation, the complainant deposed about the involvement of the petitioners and others. The investigation is still pending and the petitioners have not been arrested.

The police cannot arrest or interfere with the civil rights of the petitioners without registering any criminal case against them and when there is no allegation that they have committed any cognizable offence.

In view of the aforesaid facts and circumstances of the case, the writ petition is disposed of directing the first respondent not to interfere with the civil rights of the petitioners

without registering any crime against them and when there is no allegation that they have committed any cognizable offence. No costs.

V.ESWARAIAH, J

Date: 05-03-2007.

Shr.